

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BPI ENERGY, INC.,

Plaintiff,

v.

**IEC (MONTGOMERY), LLC,
CHRISTIAN COAL HOLDINGS, LLC,
SHELBY COAL HOLDINGS, LLC,
CLINTON COAL HOLDINGS, LLC,
and MARION COAL HOLDINGS, LLC,**

Defendants.

Case No. 07-cv-186-DRH

ORDER

HERNDON, District Judge:

Pursuant to the Court's March 27, 2007 Order (Doc. 6), which dismissed this matter without prejudice, for failure to properly establish jurisdiction, Plaintiff has moved for leave to file its Amended Complaint (Doc. 7). Plaintiff makes a good faith attempt to correct the jurisdictional deficiencies noted by the Court in its Order, however, despite its diligence, has not been able to uncover the necessary public records to indicate the citizenship of the defendant LLC's. Therefore, the Court will **GRANT** Plaintiff leave to file its Amended Complaint. Plaintiff shall file its Amended Complaint on or before **Wednesday, April 18, 2007**.

Once Defendants have been properly served, the Court further **ORDERS**

Plaintiff to conduct limited discovery regarding the citizenship of each defendant LLC in order to subsequently advise the Court as to whether diversity jurisdiction exists. Defendants shall comply with Plaintiff's discovery requests in this regard.

IT IS SO ORDERED.

Signed this 13th day of April, 2007.

/s/ _____ David RHerndon
United States District Judge